

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**COMMISSIONER OF THE DEPARTMENT
OF LICENSING & CONSUMER AFFAIRS,
GOVERNMENT OF THE
VIRGIN ISLANDS,**

Plaintiffs,

v.

**PEPSICO, INC., PEPSICO
CARIBBEAN, INC., THE COCA-COLA
COMPANY, CC ONE
VIRGIN ISLANDS, LLC,**

Defendants.

1:25-cv-00024-WAL-EAH

**TO: Jalicha Persad, Esq.
Andrew S. Tulumello, Esq.
Arianna M. Scavetti, Esq.
Claire Lockerby Chapla, Esq.
Andrew C. Simpson, Esq.
Jason Robert Vitullo, Esq.
Steven Zalesin, Esq.
Chad C. Messier, Esq.
Christopher Allen Kroblin, Esq.**

ORDER

THIS MATTER comes before the Court on the Defendants' Unopposed Renewed Motion to Extend Deadline to Respond to the Complaint, filed on June 25, 2025 by Defendants PepsiCo, Inc., PepsiCo Caribbean, Inc., The Coca-Cola Company, and CC One Virgin Islands LLC (the "Defendants"). Dkt. No. 50. In the motion, the Defendants seek to extend the deadline for them to respond to Plaintiffs' Complaint in this matter to thirty days after disposition of Plaintiffs' motion to remand, which was filed on June 18, 2025, Dkt. No. 46. Plaintiffs have consented to the relief requested in the motion. Dkt. No. 50.

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The moving Defendants state that Plaintiffs filed their Complaint in the Superior Court of the Virgin Islands on April 11, 2025. Dkt. No. 1-2. Defendants PepsiCo Inc. and PepsiCo Caribbean, Inc., with the consent of The Coca-Cola Company and CC One Virgin Islands LLC, timely removed the action to this Court on May 19, 2025. Dkt. No. 1. On May 23, 2025, the Defendants moved to extend the deadline to respond to Plaintiffs' Complaint. Dkt. No. 18. They asserted that the Plaintiffs had advised that there was a high probability that they would move to remand, and asked that their deadline to respond to the Complaint be extended to the later of: (1) July 18, 2025 or (2) 30 days after the disposition of any motion to remand, if the Plaintiffs timely file such a motion. *Id.*

The Court granted the motion to the extent that it extended the deadline to July 18, 2025 for the Defendants to answer or otherwise respond to Plaintiffs' Complaint, and denied the motion to the extent that it would not grant an open-ended extension to answer or otherwise respond to Plaintiffs' Complaint should the Plaintiffs file a motion to remand, given that no such motion had yet been filed. Dkt. No. 19.

On June 18, 2025, the Plaintiffs filed a motion to remand. Dkt. No. 46. Two days later, the Plaintiffs and Defendants filed a Joint Notice of Negotiated Extension of Time pursuant to LRCi 6.1(b)(7) that reset the Defendants' deadline to file their oppositions to Plaintiffs' Motion to Remand to July 23, 2025 and resetting Plaintiffs' deadline to file their reply to August 31, 2025. Dkt. No. 49.

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Defendants argue in the instant motion that good cause exists to support their timely and renewed requested extension under Fed. R. Civ. P. 6(b)(1). Dkt. No. 51 at 2. Granting the extension would allow the parties and the Court to focus on the Motion to Remand before turning to the merits of Plaintiffs' Complaint or engaging in further dispositive motion practice, thereby conserving party and judicial resources. *Id.* at 2-3. Otherwise, Defendants' responses to the Complaint would be due on July 18, 2025, before the July 23, 2025 deadline for Defendants' responses to Plaintiffs' Motion to Remand. Their responses to the Complaint may also differ depending upon which court—Superior Court or District Court—the matter is litigated in, given significant procedural differences in the two venues. *Id.* at 3.

The premises considered, it is hereby **ORDERED**:

1. The Defendants' Unopposed Renewed Motion to Extend Deadline to Respond to the Complaint, Dkt. No. 50, is **GRANTED**.
2. Defendants shall have up to thirty (30) days after the District Judge issues an Order on Plaintiffs' Motion to Remand to file their responses to Plaintiffs' Complaint in this matter.

ENTER:

Dated: June 26, 2025

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE